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AMP Plus, Inc. d/b/a ELCO Lighting and Elco Lighting, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DMF, Inc., a California corporation,

Plaintiff,

v.

AMP PLUS, INC., d/b/a ELCO  
LIGHTING, a California corporation;  
ELCO LIGHTING, INC., a California  
corporation,

Defendants.

Case No. 2:18-cv-07090-CAS-GJS

**JOINT REPORT RE DISCOVERY**

U.S. Magistrate Judge Gail J. Standish

**I. ELCO'S STATEMENT RE COMPLIANCE WITH THE COURT'S  
JUNE 6, 2019 MINUTE ORDER**

On June 6, 2019, this Court heard Plaintiff DMF, Inc.'s Motion to Compel (ECF No. 186) and afterwards issued a minute order requiring Defendant AMP Plus, Inc. dba Elco Lighting ("ELCO") to produce documents related to ELCO's opinion of counsel defense by June 21, 2019; to substantially complete production of the remainder of the agreed upon documents discussed with the Court during the hearing by July 1, 2019; to produce a privilege log by July 12, 2019; and to provide this Report by July 17, 2019. *See* ECF No. 213 (the "June 6<sup>th</sup> Minute Order").

ELCO has complied with the June 6<sup>th</sup> Minute Order. First, ELCO produced documents related to its opinion of counsel defense on June 21, 2019. These documents include the two non-infringement opinion letters from ELCO's patent counsel Eric Kelly regarding the Versions 2 and 3 ELL designs, and communications between Mr. Kelly and ELCO related to his engagement to provide those opinions.

Second, between June 12 and July 1, 2019, ELCO produced over 3,200 documents / 14,000 pages of additional documents. These documents include the documents discussed at the June 6<sup>th</sup> hearing that ELCO had agreed to produce in response to DMF's discovery requests. The documents were produced with metadata and searchable text, and a number of items were produced in their native format, including design/engineering drawings, photographs, and Excel files.

ELCO has now produced over 15,000 pages of documents in this litigation. To do so, defense counsel collected more than 330,000 emails and documents from ELCO, and counsel and other personnel from Bryan Cave Leighton Paisner have spent more than 575 man-hours searching, analyzing and reviewing that information to identify the documents produced.

Third, ELCO produced a privilege log on July 12, 2019.

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1 Defense counsel is continuing to review additional communications between  
2 Bryan Cave Leighton Paisner LLP and ELCO to determine if additional items need  
3 to be added to the privilege log. If so, ELCO will supplement the log.

4 **II. ELCO'S STATEMENT RE ITS DISCOVERY AGAINST DMF**

5 ELCO continues to meet and confer with DMF about DMF's discovery  
6 responses and production of documents. Although DMF has not produced a variety  
7 of documents ELCO has requested, ELCO currently is focused on obtaining what it  
8 regards as the most critical documents – e.g., DMF's DRD2 sales information,  
9 DRD2 engineering and design drawings/documents and test documents, documents  
10 related to the light source location claim limitation, and Michael Danesh's inventor  
11 notes or other documents reflecting how the invention came into being. If issues  
12 regarding DMF's production of these materials are not resolved in the next week,  
13 ELCO will bring such matters to the Court's attention. ELCO will then focus on  
14 meeting and conferring with DMF regarding the remaining outstanding documents.

15 **III. DMF'S STATEMENT**

16 DMF has not had an opportunity to fully review the documents produced by  
17 ELCO in response to the Court's Order due to office absences before the Fourth of  
18 July Holiday followed by work relating to a motion to stay filed by ELCO and *ex*  
19 *parte* applications filed by both parties. While it appears that there will be a need  
20 to meet and confer further on ELCO's document production, DMF is moving  
21 forward with a deposition on July 25, 2019 of ELCO's former Product Manager, in  
22 part to determine if additional documents should be produced.

23 With respect to DMF's document production, DMF noted in its brief filed  
24 May 31<sup>st</sup> that it was "still waiting for ELCO to propose a time to complete that  
25 process" of meeting and conferring on the scope of ELCO's discovery requests.  
26 ELCO still has not met and conferred on most of ELCO's requests, which typically  
27 seek "All DOCUMENTS..." relating to broad topics or subject matter. However,  
28 ELCO has identified by email a subset of requests that are of higher priority to

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ELCO, and DMF has informed ELCO regarding the scope of its intended production as to these requests. DMF also has requested that ELCO meet and confer in person or by telephone on Tuesday July 23 regarding the remainder of ELCO's requests, consistent with the parties' commitment in the Rule 26 report<sup>1</sup>, so that DMF can determine what documents ELCO seeks that are proportional to the needs of this case.

Dated: July 17, 2019

**BRYAN CAVE LEIGHTON PAISNER LLP**  
Robert E. Boone III

By: /s/ Robert E. Boone III  
Robert E. Boone III

Attorneys for Defendants  
AMP PLUS, INC. d/b/a ELCO Lighting and  
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Dated: July 17, 2019

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By: /s/ David Long  
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I hereby attest that all parties on whose behalf this filing is submitted concur as to the content and have authorized this filing using their conformed (/s/) signature.

/s/ Robert E. Boone III

<sup>1</sup> Dkt. 25 at 9.